

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JARMO HYTONEN, )  
 )  
 Plaintiff, ) Case No. 4:20-cv-01119-AGF  
 )  
 v. )  
 )  
 CAVALRY SPV I, LLC, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff Jarmo Hytonen's motion (ECF No. 27) for attorney fees pursuant to 28 U.S.C. § 1447(c), following the Court's November 3, 2020 Memorandum and Order (ECF No. 26) remanding the case to the state court from which it was removed. Defendants oppose the motion. Assuming, without deciding, that the Court could award attorneys' fees under § 1447(c) after a case has already been remanded to state court, the Court would not do so here.

"[T]he standard for awarding fees should turn on the reasonableness of the removal. Absent unusual circumstances, courts may award attorney's fees under § 1447(c) only where the removing party lacked an objectively reasonable basis for seeking removal. Conversely, when an objectively reasonable basis exists, fees should be denied." *Martin v. Franklin Capital Corp.*, 546 U.S. 132, 141 (2005). While the Court was not ultimately convinced by Defendants' arguments regarding fraudulent joinder, the arguments were not unreasonable by any standard.

Accordingly,

**IT IS HEREBY ORDERED** that that Plaintiff's motion for attorneys' fees is **DENIED**. ECF No. 27.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of December, 2020.